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Notice of Allowability

Application No.

10/633,668

Examiner

John P. Leubecker

Applicant(s)

MOTOKI ET AL.

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3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 15, 2006.
2. ☒ The allowed claim(s) is/are 1-11, 17-19 and 23-31.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ian Bloom on October 27, 2006.

The application has been amended as follows:

IN THE CLAIMS

Replace claim 1 with the following:

1. An endoscope apparatus comprising:

an endoscope body that has an elongated insert portion having flexibility and capable of being inserted into a space which is a target of inspection;

a remote controller having a flexibly bending operation portion which operates a flexibly bending portion provided at the insert portion to be flexibly bent;

a manipulating device inserting channel which communicates between a distal opening end that opens at a distal end side of the insert portion of the endoscope body and a proximal opening end that opens at a proximal end of the insert portion of the endoscope body; and

a linking portion which detachably links the remote controller and a peripheral portion at the proximal opening end of the manipulating device inserting channel without completely surrounding the endoscope body, wherein the linking portion disposes the proximal opening end

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of the manipulating device inserting channel at a position which does not interfere with an operating region of the flexibly bending operation portion in the remote controller in a state in which a link is established between the remote controller and the peripheral portion of the proximal opening end.

Replace claim 9 with the following:

9. An endoscope apparatus comprising:

an insert portion which includes a flexibly bending portion having flexibility, the flexibly bending portion being provided at a distal end side, into a space which is a target of inspection;

a manipulating device inserting channel which loads therein a predetermined manipulating device advancing from a proximal end side of the insert portion to a distal end side of the insert portion;

a flexible bending operation portion to flexibly bend the flexibly bending portion of the insert portion remotely by a rod portion operation; and

a connecting device which detachably mounts the flexible bending operation portion to the insert portion at the manipulating device inserting channel without completely surrounding the insert portion to make the flexible bending operation portion and the insert portion adjacent to each other, and links the flexible bending operation portion and the insert portion with each other such that an operating space of the rod portion operation and a loading space required for loading the predetermined manipulating device therein do not overlap each other.

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Replace claim 17 with the following:

17. An endoscope apparatus comprising:

an elongated insert portion having flexibility, the elongated insert portion being inserted into a space which is a target of inspection;

an intermediate linking portion whose one end is linked with a proximal end side of the insert portion and whose other end is linked with a universal cable;

a controller comprising a flexibly bending operation portion to operate a flexibly bending portion provided at the insert portion to be flexibly bent;

a manipulating device inserting channel which communicates between a distal opening end that opens at a distal end side of the insert portion and a proximal opening end that opens at the intermediate linking portion; and

a linking portion which detachably links the controller and the intermediate linking portion without completely surrounding the intermediate linking portion, wherein the linking portion disposes the proximal opening of the manipulating device inserting channel at a position which does not interfere with an operating region of the flexibly bending operation portion in the controller in a state in which a link is established between the controller and the intermediate linking portion.

Cancel claims 20-22.

Replace claim 23 with the following:

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23. An endoscope apparatus comprising:

an endoscope body including an elongated insert portion having flexibility and capable of being inserted into a space that is a target of inspection;

a remote controller including an operation portion operable to bend and drive the endoscope body;

an intermediate linking portion that communicates between a distal opening end of the insert portion and a proximal opening of the insert portion of the endoscope body, the intermediate linking portion having a manipulating device inserting channel that is open at both ends; and

a connecting device that is attached to the remote controller at a position where it does not interfere with an operating region of the operation portion and into which the intermediate linking portion is removably fit, the connecting device including a lock portion, into which the intermediate linking portion is removably fit, at a position where an insertion operating region of a manipulating device inserted through the proximal opening of the insert portion does not interfere with an operating region of the operation portion in the remote controller, when the intermediate linking portion is fitted into the connecting device attached to the remote controller without being completely surrounded by the connecting device.

2. The following is an examiner's statement of reasons for allowance: Claim 1, as amended, above, recites that the linking portion detachably links the remote controller and a peripheral portion at the proximal opening end of the manipulating device inserting channel *without completely surrounding the endoscope body*. The prior art of record, a specifically Mizuno et al.

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(U.S. Pat. 6,569,084), show an apparatus with similar elements but the portion that the Examiner equates to the linking portion (portion 25) includes an aperture which receives the endoscope body to thereby hold such endoscope. Thus, the linking portion completely surrounds the endoscope body. The Examiner takes the position that there would be no motivation to modify the linking portion of Mizuno et al. to not completely surround the endoscope body since the intended purpose of Mizuno et al. is to rotatably support the endoscope in an upright manner. Claims 9, 17 and 23 have been similarly amended above. Since none of the prior art of record explicitly teach or fairly suggest the combination of elements of claims 1, 9, 17 and 23, these claims are allowable.

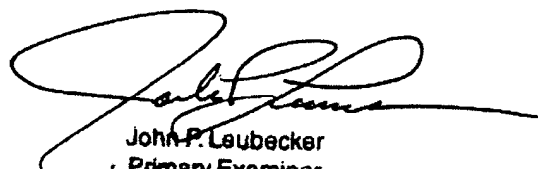
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John P. Leubecker
Primary Examiner

jpl